

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

LARRY MARTIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 24-06083-CV-SJ-BP
)	
WAUSAU HOMES INC., et al.,)	
)	
Defendants.)	

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff filed this suit, alleging federal jurisdiction exists because the plaintiff and defendant are of diverse citizenships and more than \$75,000 is in controversy. (Doc. 1, ¶ 9 (citing 28 U.S.C. § 1332).) The Court is under an independent obligation to confirm that jurisdiction is proper. *E.g., FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990); *Reece v. Bank of New York Mellon*, 760 F.3d 771, 777 (8th Cir. 2014). There is no issue with respect to the amount in controversy. However, Paragraph 7 of the Complaint alleges that Defendant Phillips Builders, LLC, is an LLC organized under the laws of Iowa with its principal place of business in that state. These allegations do not properly establish diversity of citizenship because an LLC’s place of formation and principal place of business is not the proper test for an LLC’s citizenship. *E.g., OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007) (“An LLC’s citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members.”). Therefore, the Complaint does not establish Phillips Builders, LLC’s citizenship.

Plaintiff shall have until and including April 22, 2025, to file an Amended Complaint that sets forth the proper basis for jurisdiction by identifying all of Phillips Builders, LLC's members and their citizenships.

IT IS SO ORDERED.

Date: April 7, 2025

/s/ Beth Phillips
BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT